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STATE BOARD OF PSYCHOLOGICAL EXAMINERS
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC
SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PSYCHOLOGICAL
EXAMINERS
DOCKET NO. BDS 1798-96

In the Matter of the Suspension)
or Revocation of the License of)

JAMES A. HUDDY, Ph.D.

To Practice Psychology in the)
State of New Jersey)

Administrative Action

FINAL DECISION AND ORDER

FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS
ON October 10, 1996

This matter was brought before the New Jersey State Board of Psychological Examiners ("Board") on July 26, 1994, on the complaint of Deborah T. Poritz, Attorney General of New Jersey, by Denise A. Cobham, Deputy Attorney General. The complaint charged that during the course of an ongoing psychologist-patient relationship, respondent on numerous occasions had sexual relations with M.D. in his office. The complaint further alleged that on August 22, 1990, M.D. gave birth to a child and that the respondent was established as the father of the child by court order entered on July 1, 1991. The complaint further charges that the conduct of the respondent constituted professional misconduct in violation of N.J.A.C. 13:42-4.1(a)(1)(xvi)(1) and exploitation of a patient in violation of N.J.A.C. 13:42-4.1(a)(1)(xvii)(4). Respondent's conduct as aforementioned also was alleged to constitute gross and repeated acts of malpractice, professional misconduct, a violation of Board regulations, and a failure to maintain the ongoing requirement of good moral character, all in violation of N.J.S.A.

45:1-21(c) and (d), N.J.S.A. 45:14B-24(e); N.J.S.A. 45:1-21(e); N.J.S.A. 45:1-21(h), N.J.S.A. 45:14B-24(e); and N.J.S.A. 45:14B-14(b) respectively.

The matter was referred to the Office of Administrative Law on or about February 21, 1996, and a hearing was held before Jeffrey A. Gerson, Administrative Law Judge, on July 8 and July 9, 1996, at which respondent was represented by counsel, Richard A. Amdur, Esq. Judge Gerson's Initial Decision was issued on July 26, 1996, and is incorporated herein by reference, as if fully set forth, except as specifically modified by this Order. Timely Exceptions to that Initial Decision were filed with the Board by the respondent and the Attorney General.

On September 16, 1996, Deputy Attorney General Denise A. Cobham and Richard A. Amdur, Esq., appeared before the Board for oral argument on the Exceptions to the Initial Decision. On motion made by D.A.G. Cobham, the Board determined to exclude from the Exceptions a letter dated July 18, 1996 from the respondent to Judge Gerson sent after the close of the record and a letter sent to the Board from C.A.S., a patient of the respondent, dated August 2, 1996. These letters were excluded on the basis that they were not part of the administrative record and did not qualify as Exceptions to the Initial Decision. After argument, the Board moved into closed session in order to deliberate on the matter and thereafter announced its Findings of Fact and Conclusions of Law in public session on September 16, 1996.

The Board advised counsel for the parties that it would accept additional written Exceptions to the Conclusions of Law made by the Board. The Board further announced that a hearing in mitigation of penalty would be scheduled for September 30, 1996. All further Exceptions and/or documents to be submitted in regard to the penalty hearing were to be submitted to the Board no later than September 26, 1996.

On September 30, 1996, D.A.G. Cobham and Mr. Amdur appeared before the Board for the mitigation hearing. Each counsel presented argument, and Dr. Huddy answered questions posed by the Board. There were no other witnesses.

After due consideration of the Administrative Law Judge's Initial Decision, hearing transcripts, documentary evidence, Exceptions, oral argument, and mitigating circumstances for a determination of penalty, the Board of Psychological Examiners makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

The Board adopts all of the Findings of Fact set forth in Judge Gerson's Initial Decision including his findings with respect to the credibility of the witnesses as if they were fully set forth herein.

CONCLUSIONS OF LAW

Although Judge Gerson's Initial Decision recommended the revocation of Dr. Huddy's license to practice psychology, it did not set forth specific Conclusions of Law. Accordingly, the Board amends the Initial Decision to conclude that the conduct of the

respondent constituted the following: Misconduct as defined in N.J.A.C. 13:42-4.1(a)(1)(xiv)(1) in that he engaged in physical contact of a sexual nature with a client (now codified at N.J.A.C. 13:42-10.9(a)); participation in a conflict of interest by exploiting the trust and dependency of a client in violation of N.J.A.C. 13:42-4.1(a)(1)(xvii)(4) (now codified at N.J.A.C. 13:42-10.13(e)); gross and repeated acts of malpractice in violation of N.J.S.A. 45:1-21(c) and (d) and N.J.S.A. 45:14B-24(e) respectively; professional misconduct in violation of N.J.S.A. 45:1-21(e); a failure to comply with Board regulations in violation of N.J.S.A. 45:1-21(h) and N.J.S.A. 45:14B-24(e); and a failure to maintain good moral character, an ongoing requirement for licensure, in violation of N.J.S.A. 45:14B-14(b).

DISCUSSION

The Board reviewed and adopted all of the Findings of Fact made by the Administrative Law Judge including those findings with respect to the credibility of the testimony of Dr. Huddy and M.D. There is no question that Dr. Huddy engaged in a sexual relationship with M.D. during the course of a psychologist-patient relationship and that the sexual contact resulted in the birth of a baby girl on August 22, 1990. Dr. Huddy is married and has been married for 27 years. He has two adult children of this marriage as well as two adult children from a former marriage. He has no contact or relationship with the girl born to M.D., who is now six years old, but he pays \$42.00 per week in child support by way of court order. Dr. Huddy continues to maintain that he had sexual

contact with M.D. on only one occasion and that he should not be punished for an isolated mistake. The mere recitation of these facts, however, cannot express the extent and depth of the Board's view of Dr. Huddy's conduct. Respondent's license to practice psychology placed Dr. Huddy in a position of trust. Patients, such as M.D., go to a psychologist when they are suffering from emotional and personality problems with the utmost confidence that they are placing their psychological welfare in a professional's charge. In many cases, and certainly in the case of M.D., a patient begins therapy with a psychologist at a time in their lives when they are particularly vulnerable and when they are seeking counseling for the purpose of resolving personality disturbances or maladjustments as they affect their personal and interpersonal situations. By his conduct in this matter Dr. Huddy has utterly and totally violated this position of trust. He imposed his own personal and intimate desires on an individual who was psychologically vulnerable. Such conduct shocks the collective conscious of the Board.

The Board is struck by the fact that Dr. Huddy to the present day fails to recognize the psychological damage and harm resulting from a sexual relationship with a patient. Counsel for Dr. Huddy presents M.D. as a woman scorned and proposes as proof of the minimal impact on M.D. of the sexual relationship the fact that M.D. has not engaged in additional therapy since the termination of her relationship with Dr. Huddy. Unfortunately, it appears to the

Board probable that it may be some time before M.D. will be prepared to place her trust in another licensed psychologist.

Dr. Huddy asks the Board not to revoke his license. He states that he made a mistake on one occasion and that the Board would never have known about it if M.D. had not retaliated against him by filing a complaint with the Board. Dr. Huddy also asserts that revocation is without meaning since it will not help the child of the relationship. He seeks to persuade the Board that M.D.'s current financial and psychological problems, though extreme, are not his fault because she had those problems when she first came to him for therapy. Such an attitude only convinces the Board further that Dr. Huddy took advantage of a vulnerable woman who was seeking help in addressing the problems in her life. Her relationship with Dr. Huddy as a psychologist only served to multiply those problems.

The Board finds that Dr. Huddy's misconduct by engaging in sexual contact with a patient on numerous occasions is an affront that runs to the very heart of the psychologist-patient relationship. He engaged in a course of conduct that could result in no less than severe emotional damage. Finally, it is appropriate for this Board to discipline a licensee for conduct, such as Dr. Huddy's, which undermines the public's confidence in the integrity and trustworthiness of the profession. Consequently, and for the foregoing reasons,

IT IS ON THIS 9th DAY OF OCTOBER, 1996,

ORDERED THAT:

1. The license of James A. Huddy, Ph.D., to practice psychology in the State of New Jersey is hereby revoked. Said revocation shall be effective November 1, 1996. Effective immediately Dr. Huddy shall take on no new patients. No later than October 7, 1996, Dr. Huddy shall submit a list of all current patients to the Executive Director of the Board. Said list shall be maintained in confidentiality. No later than November 1, 1996, Dr. Huddy shall submit to the Executive Director in writing the action he has taken to arrange for the referral or transfer of each of the listed patients, and he shall physically turn in his license wall certificate and registration certificate. During the period of time in which respondent's license remains revoked, he shall not own or otherwise maintain a pecuniary or beneficial interest in a psychological practice or function as a manager or operator of a place where psychological services are performed or otherwise practice psychology as defined in N.J.S.A. 45:14B-1 et seq.

2. In the event application is made to the Board for reinstatement after the expiration of one year from the date of revocation of licensure pursuant to N.J.S.A. 45:14B-25, Dr. Huddy shall be required to satisfy the Board that he is competent to engage in the practice of psychology. Prior to entertaining any petition for reinstatement, the Board will require Dr. Huddy to submit to a comprehensive psychological evaluation with a Board appointed psychologist. Dr. Huddy shall be responsible for the costs for the evaluation and written report to be submitted to the Board. In the event counseling or therapy is recommended in the

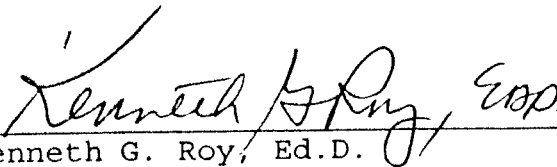
evaluation report, Dr. Huddy shall engage in and successfully complete such course of counseling or therapy. Further, Dr. Huddy shall submit to the Board in advance of any petition for reinstatement, a plan of any intended practice of psychology and a plan for supervision of such practice. At the discretion of the Board, it may require Dr. Huddy to pass an examination or engage in other remedial education as it deems necessary in order to be assured that he is competent and trustworthy to engage in the practice of psychology. All costs associated with any requirements imposed for reinstatement of licensure shall be borne by Dr. Huddy.

3. Dr. Huddy is hereby assessed the costs to the State in this matter in the amount of \$15,771.39.

4. Dr. Huddy is hereby assessed a civil penalty in this matter in the amount of \$5,000.00.

5. The aforesaid costs and penalty shall be submitted to the Board by certified check or money order made payable to the State of New Jersey no later than the first day of the month following the entry date of the within Order. Dr. Huddy may elect to pay the total of costs and penalty in equal monthly installments over a period of no more than one (1) year commencing on November 1, 1996. Each monthly installment shall be due and payable on the first business day of the month. Any failure to make a monthly payment on time shall cause the entire remaining balance to become

immediately due and payable.



Kenneth G. Roy, Ed.D.
Chair
New Jersey State Board of Psychological Examiners